

Message Text

CONFIDENTIAL

PAGE 01 GENEVA 06680 041017Z

17/20

ACTION EUR-08

INFO OCT-01 SS-14 ISO-00 L-01 IO-03 CU-01 PRS-01 INR-05

RSC-01 /035 W

----- 101273

R 021000Z NOV 74

FM USMISSION GENEVA

TO SECSTATE WASHDC 8994

INFO AMEMBASSY BONN

AMEMBASSY BUCHAREST

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

AMEMBASSY ROME

USMISSION GERLIN

USMISSION NATO

USUN NEW YORK 1095

C O N F I D E N T I A L GENEVA 6680

LIMDIS

C O R R E C T E D C O P Y F O R P A R A 4 C

E.O. 11652: GDS

TAGS: PFOR CSCE GW WB XG

SUBJ: CSCE FOUR POWER RIGHTS QUESTIONS

REF: A) BONN 17015; B) BONN 17023; C. GENEVA 6576; D) STATE 232680;

E. ROME 14775; F. GENEVA 6539 (ALL NOTAL)

1. AS SUGGESTED BY BONN GROUP, REF A, A, FRENCH REP WILL INFORM SOVIETS WEEK OF NOVEMBER 4 OF NEGATIVE REACTION TO SOVIET QUADRIpartite RIGHTS LANGUAGE, AND WILL INDICATE FLEXIBILITY ON EVENTUAL PLACEMENT OF BONN GROUP TEXT. BRITISH REP SUGGESTED TO FRENCH, FRG ANS US NOVEMBER 1 THAT HIS DELEGATION IS INTERESTED IN PURSUING IDEA DISCUSSED IN BONN GROUP THAT BONN GROUP COUNTRY DELS, SUPPLEMENT IF DESIRED BY EXPERTS FROM BONN GROUP OR CAPITALS, MIGHT REVIEW IN GENEVA
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 GENEVA 06680 041017Z

AT EARLY DATE ALL ISSUES PRESENTLY IN PLAY IN PRINCIPLES

DECLARATION THAT RELATE TO QUADRIPARTITE RIGHTS QUESTIONS.
INCLUDED IN SUCH REVIEW MIGHT BE:

A. BONN GROUP LANGUAGE INTENDED TO PROTECT
QUADRIPARTITE RIGHTS, INCLUDING QUESTIONS OF EVENTUAL
MODIFICATIONS THAT MIGHT BE MADE TO GET SUPPORT
OF SOVIETS AS WELL AS OTHER WESTERN AND NEUTRAL DELS,
AND WHETHER IT SHOULD BE PLACED IN TENTH PRINCIPLE
(FULFILLMENT OF OBLIGATIONS) OR FINAL CLAUSES;
B. OTHER DRAFTING QUESTIONS ON TENTH PRINCIPLE
(FRENCH NOW RECOGNIZE THAT, FOR VARIOUS REASONS, MOST OF
THEIR PROPOSAL MUST NOW BE REVISED;)
C. RELATED MATTERS INCLUDING DIFFICULTIES ENEMY
STATES ARTICLES OF UN CHARTER POSE FOR FRG, ITALY AND
ROMANIA, NOT ONLY WITH REFERENCE TO LANGUAGE IN PRESENT
THIRD SENTENCE OF FRENCH DRAFT FOR TENTH PRINCIPLE CON-
FIRMING VALIDITY OF ALL PROVISIONS OF UN CHARTER, BUT
ALSO TO PARAGRAPHS OF ROMANIAN PROPOSAL ON NON-USE OF
FORCE (PARTICULARLY PARA 3) AND FORMULATION ON NON-USE OF FORCE
PRINCIPLE WHICH NOW BRACKETS REFERENCE TO CHARTER
INTENDED TO PRESERVE RIGHT TO USE FORCE LEGALLY.

2. OBJECT OF STUDY WOULD BE TO REACH AGREED
RECOMMENDATIONS ON COMPLEX OF ISSUES WHICH COULD THEN
BE REFERRED TO BONN GROUP AND CAPITALS AND SUBSEQUENTLY
TO OTHER MEMBERS OF EC-9 AND NATO CAUCUSES IN GENEVA
AT EARLY ENOUGH DATE TO PERMIT FRENCH TO TABLE QUADRI-
PARTITE RIGHTS PROPOSAL, INCLUDING SUCH OTHER REVISIONS
OF THEIR TENTH PRINCIPLE DRAFT AS MAY BE DESIRABLE, BEFORE
CHRISTMAS RECESS.

3. OTHER BONN GROUP DELS ARE PRESENTLY QUERYING
CAPITALS ON IDEA. WE THINK THERE IS CONSIDERABLE MERIT
IN OVERALL REVIEW, BRINGING TOGETHER BONN GROUP AND CSCE
CONSIDERATIONS, OF AREAS IN PRINCIPLES DECLARATION WHERE
QUADRIPARTITE RIGHTS QUESTIONS ARE PRESENTED AND THAT
SOONER IT UNDERTAKEN THE BETTER. WHILE SUCH A REVIEW
COULD BE CONDUCTED ELSEWHERE, CONTINUING SCHEDULE OF
CSCE NEGOTIATIONS APPEARS TO MAKE GENEVE BEST POSSIBLE
LOCATION. WHILE PRESENT BEST GUESS IS THAT SUBCOMMITTEE
WILL NOT REACH TENTH PRINCIPLE UNTIL SHORTLY AFTER
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 GENEVA 06680 041017Z

CHRISTMAS RECESS, WORK COULD SPEED UP AND IN ANY EVENT
RELATED ISSUES, PARTICULARLY IN CONNECTION WITH ROMANIAN
PROPOSAL, WILL BE DEALT WITH IN NEXT FEW WEEKS. GIVEN
EMERGING ITALIAN SENSITIVITIES TO ENEMY STATES ISSUES AND
REPORTED CONCERNS OF NEW HEAD OF FRG DELEGATION (REFS B,
D AND E) IT STRIKES US AS PARTICULARLY USEFUL THAT THESE
ISSUES BE DEALT WITH IN UNIFIED WAY BY BONN
GROUP DELS.

4. WE OFFER FOLLOWING THOUGHTS ON TACTICAL CONSIDERATIONS
IT MIGHT BE DESIRABLE FOR US TO KEEP IN MIND
DURING ANY SUCH COMPREHENSIVE REVIEW:

A. WE SHOULD BE CAUTIOUS IN ADVOCATING ANY
REVISION OF BONN GROUP LANGUAGE ON PRESERVATION OF
QUADRIpartite RIGHTS. WE SHOULD RECOGNIZE, HOWEVER, THAT
SOVIETS MIGHT EVENTUALLY INSIST ON MODIFICATION AT
LEAST ALONG LINES DISCUSSED PARA 3 REF F WHICH WOULD
MAKE FORMULATION CLOSER TO THAT OF NOVEMBER 1972
QUADRIpartite DECLARATION. NUMBER OF WESTERN DELS,
NOTABLY CANADIANS, HAVE ALSO EXPRESSED UNHAPPINESS AT
AMBIGUITY OF WHETHER BONN GROUP LANGUAGE IS MEANT TO
RESTRICT APPLICATION OF PHRASE "IN ACCORDANCE WITH INTER-
NATIONAL LAW" TO ARRANGEMENTS, THUS WEAKENING, IN THEIR
VIEW, ANTI-BREZHNEV DOCTRINE ASPECTS OF TEXT.
NEUTRAL DELS ALSO MAY HAVE OWN SPECIAL CONCERNS
WHICH WILL NEED TO BE DEALT WITH TO ENSURE THAT TEXT
IS ACCEPTABLE TO FULL CSCE.

B. ENEMY STATES SENSITIVITIES OF FRG AND ITALY
COME INTO PLAY IN DIRECT RATIO TO DEGREE OF PROMINENCE
AND PRECISION OF REFERENCES TO CHARTER IN DECLARATION.
OUR INTERESTS IN HAVING CLEAR REFERENCE TO CHARTER IN
DECLARATION, ON OTHER HAND, VARIES FROM PLACE TO PLACE
DEPENDING UPON PROXIMITY OF LANGUAGE WHICH, WITH-
OUT SUCH CLEAR REFERENCE, MIGHT OTHERWISE BE CONSTRUED
AS REDUCING OUR RIGHTS IN BERLIN OR OUR RIGHT TO USE
FORCE IN GENERAL FOR LEGAL PURPOSES. SENTENCE WHICH
CAUSES MOST DIFFICULTIES FOR FRG AND ITALY IS FLAT
STATEMENT IN PRESENT FRENCH DRAFT FOR TENTH PRINCIPLE
TO EFFECT THAT "NOTHING IN THIS DECLARATION CAN BE INTER-
CONFIDENTIAL

CONFIDENTIAL

PAGE 04 GENEVA 06680 041017Z

PRETEND IN A MANNER CONFLICTING WITH A PROVISION OF THE
CHARTER OF THE UNITED NATIONS," WHILE WE FEEL MOST IN
NEED OF DIRECT, UNAMBIGUOUS REFERENCE TO UN CHARTER
IN RELATION TO PARAGRAPH 3 OF ROMANIAN PROPOSAL AND TO
SECOND PRINCIPLE FORMULATION WHICH OTHERWISE CONTAIN
VERY RESTRICTIVE LANGUAGE.

C. SINCE OUR SOMEWHAT CONFLICTING INTERESTS DO NOT
NECESSARILY FOCUS AT SAME PLACES IN DECLARATION, WAY
MIGHT BE OPEN FOR SOME MUTUAL ACCOMMODATION. WE
MIGHT THUS SHOW CONSIDERABLE FLEXIBILITY TOWARD FRG
AND ITALIAN CONCERNS ON TENTH PRINCIPLE SENTENCE, AS
SUGGESTED REFS B AND C, IF WE GET BONN GROUP LANGUAGE ON
QUADRIpartite RIGHTS, SINCE SUCH LANGUAGE WOULD PROTECT
OUR MAIN INTEREST AND INDIRECTLY COVER UN CHARTER (AS

VALID INTERNATIONAL AGREEMENT). ON OTHER HAND, WE WOULD HOPE THAT FRG AND ITALY COULD BE BROUGHT TO ACCEPT IMPORTANCE OF CLEAR REFERENCES TO CHARTER IN ROMANIAN PROPOSAL AND IN SECOND PRINCIPLE WHERE THEIR ABSENCE, OR WEAKER PHRASE LIKE "PURPOSES AND PRINCIPLES OF UN CHARTER", COULD OTHERWISE BE CONSTRUED AS CUTTING BACK ON LAWFUL USES OF FORCE. WE BELIEVE THAT THERE IS SOME HOPE OF GETTING FRG AND ITALIANS TO ACCEPT SOME SUCH DICHOTOMY IN MANNER IN WHICH CHARTER REFERENCES ARE USED SINCE THERE ARE SUBSTANTIAL PRECEDENTS FOR UNAMBIGUOUS REFERENCE TO CHARTER IN RELATION TO NON-USE OF FORCE, I. E., FRIENDLY RELATIONS DECLARATION AND DEFINITION OF AGGRESSION. ITALIANS, INCIDENTALLY, HAVE ALREADY INDICATED THAT THEY WILL WITHDRAW THEIR ENEMY STATES-GROUNDED OBJECTIONS TO BONN GROUP LANGUAGE ON QUADRIpartite RIGHTS PROVIDED SOMETHING IS DONE ABOUT THIRD SENTENCE IN FRENCH DRAFT ON TENTH PRINCIPLE.

D. WE RECOGNIZE THAT ROMANIANS CAN STILL BE EXPECTED TO RESIST ANY AND ALL DIRECT REFERENCES TO UN CHARTER. AS WE HAVE SEVERAL TIMES NOTED, HOWEVER, ROMANIANS ARE IN ESSENCE ATTEMPTING TO GET CONFERENCE TO GIVE THEM ASSURENCE WHICH ONLY SOVIETS CAN GIVE, AND THEY WOULD BE BETTER ADVISED TO CONCENTRATE ON BILATERAL DISCUSSIONS WITH SOVIETS. ROMANIANS WILL PROBABLY

CONFIDENTIAL

PAGE 05 GENEVA 06680 041017Z

CONTINUE TO BELIEVE THAT WE WILL YIELD TO THEM ON THIS MATTER, HOWEVER, UNTIL SUCH TIME AS WE ARE ABLE TO SHORE UP THOSE PARTS OF WESTERN CAMP WHICH HAVE THEIR OWN ENEMY STATES SENSITIVITIES. WE WOULD HOPE THAT FLEXIBILITY ON DRAFTING OF TENTH PRINCIPLE, COMBINED WITH ALLIED SOLIDARITY ON NON-USE OF FORCE FORMULATIONS, MIGHT LEAD ROMANIANS EVENTUALLY TO MODERATE PRESENT POSITION.

5. ACTION REQUESTED: DEPARTMENT REACTION TO BRITISH PROPOSAL FOR GENEVA-BASED REVIEW OF ISSUES RELATED TO QUADRIpartite RIGHTS AND TO TACTICAL CONSIDERATIONS SET OUT PARA 4 ABOVE. ABRAMS

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: Z
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: AGREEMENTS, COLLECTIVE SECURITY, POLICIES, BERLIN FOUR POWER OCCUPATION, ENEMY STATE CLAUSES
Control Number: n/a
Copy: SINGLE
Draft Date: 02 NOV 1974
Decaption Date: 28 MAY 2004
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: smithrj
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974GENEVA06680
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D740315-0547
From: GENEVA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19741177/aaaacnek.tel
Line Count: 214
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EUR
Original Classification: CONFIDENTIAL
Original Handling Restrictions: LIMDIS
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: LIMDIS
Reference: A) BONN 17015; B) BONN 17023; C. GEN, EVA 6576; D) STATE 232680;
Review Action: RELEASED, APPROVED
Review Authority: smithrj
Review Comment: n/a
Review Content Flags:
Review Date: 30 APR 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <30 APR 2002 by rowelle0>; APPROVED <18 MAR 2003 by smithrj>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: CSCE FOUR POWER RIGHTS QUESTIONS
TAGS: PFOR, GE, WB, XG, CSCE
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005